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January 28, 2001

Attorney General John Ashcroft  
US Department of Justice, 950 Pennsylvania Avenue, NW  
Washington, DC 20530-0001

Post-It™ brand fax transmittal memo 7671		# of pages	2
To	ATTORNEY GENERAL		
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Dear Mr. Ashcroft,

I am writing to you about the Microsoft settlement as is permitted under the Tunney Act. I am now retired following a 40 year career in banking. I followed the daily reporting of the hearing before Judge Thomas Penfield Jackson and read his entire opinion by downloading it from the internet. The press reporting during the trial led me to certain conclusions. One, the judge was biased against Microsoft during the trial. This was born out when the press characterized one of the expressions of this judge as a look of incredulity such as "can you really believe this guy" when David Boies was examining a Microsoft executive during the case. In my opinion this bias carried over and influenced his findings of fact and proposed remedies. Secondly, the judge erred in suggesting harm to the consumer by Microsoft pricing practices.

But the purpose of this letter is not to rehash the original trial. The Federal Court of Appeals has ruled and remanded the case back for remedies. The Department of Justice has a settlement now before the court. I believe that the Department of Justice's most recent decision to end the antitrust case is truly the right one. Several states have agreed with that decision. The remaining recalcitrant states, and that is my term, are defending not the consumer but vested interests of competitors of Microsoft.

During the 1980's, various competitors of Microsoft (Sun, Oracle, DEC, IBM) formed a consortium to ostensibly create standards for Personal Computer Operating Systems. It was reported in all of the computer trade journals from the mid 1980's on. As I recall they had several meetings over a period of a couple of years, before it broke down, and IBM then proceeded to create their own OS/2 operating system.

During the 1950's IBM was the dominant force in large Main Frame Operating systems. This did not deter Burroughs, National Cash Register (NCR), Wang Systems, Digital Equipment and others from creating competing operating systems. Sun Computers had a high-priced engineering operating system in the 1980's and trade journals all reported that Scott McNeely desired to develop a competitor system to Microsoft for Personal Computers. There was only one problem. He could not develop a mass market, low priced system.

This fact has been lost in the case against Microsoft. It has saddened me to see our courts and some politicians being used as a referee to reward certain competitors, not in the market place of commerce and ideas, but in the courts.

I am retired and do a bit of financial consulting on the side. I use computers quite regularly and would be hard-pressed to find a better set of software products than those created by Microsoft. My first personal computer in 1984 was a Macintosh and I enjoyed it very much. The only problem with it however was that most of the software created by others was buggy and would sometimes crash. I am reminded particularly of some Oracle software which was very buggy and was continually a problem. There was a spreadsheet program however, created by a little company that I had never heard of called Microsoft, and it worked seamlessly on the Macintosh. I made the conversion to PC's in the early 90's and would never look back. The affordability and stability of Microsoft products convinced me.

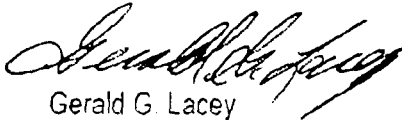
Please express my views to the judge. As a retired business person and a consumer of computer software, I would ask the court to affirm the Department of Justice settlement agreed to by nine states and reject the continued attempts by certain other states to reward the competitors of Microsoft.

Continued litigation will only threaten the Computer software and hardware industry and consequently, the entire economy. I ask that you please stop these lawsuits and let Microsoft concentrate on the business of business once again.

I would greatly appreciate your reflecting my views, or a summary of them to the judge.

Thank you for your time and thoughtful consideration of this matter.

Cordially,



Gerald G. Lacey

cc: Senator Strom Thurmond

cc: Senator Fritz Hollings